HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition No. 1812 (S/S) of 2007

Harish Chandra Bahuguna,
S/o Sri Bhuwan Chandra Bahuguna,
R/o village Bughani, Post Nayal,
Patti- Malla Salam,
District Almora. -------Petitioner

Versus

Mukhya Krishi Adhikari,
Vikas Bhawan, Bhimtal,
District Nainital. -------Respondent

Sri Ravi Babulkar, learned counsel for the petitioner,
Sri Paresh Tripathi, learned Brief Holder for the Stat/respondent.

Hon'ble M.M. Ghildiyal, J.

Heard Sri Ravi Babulkar, learned counsel for the petitioner and Sri Paresh Tripathi, learned Brief Holder for the State of Uttarakhand/respondent.

By means of this writ petition, the petitioner has prayed to issue a writ in the nature of mandamus commanding the respondent to provide the petitioner compassionate appointment under dying-in-harness rules as per his qualification in place of his deceased uncle Pitambar Dutt Bahuguna.

It was contended that uncle of the petitioner, namely Sri Pitamber Butt Bahuguna died in harness on 04.05.2006 leaving behind his only dependent i.e. the petitioner. The petitioner is the son of real brother of the deceased. The deceased made a WILL in favour of the petitioner that the petitioner is his adopted son. The deceased was unmarried and was employed as Class IV

employee with the respondent's Department. The District Magistrate, Almora issued a near relation certificate of the deceased on 20th June 2006. The petitioner has also obtained a succession certificate copy of which is annexed as annexure no. 3 to the writ petition. In this contest, the petitioner moved an application on 26.06.2006 to the authority concerned (annexure no. 6) for providing him appointment under dying-in-harness rules.

It is contended that on 18th December 2007, the petitioner moved another representation for providing him appointment on compassionate ground, but the respondent did not pay any heed towards it. Hence this writ petition.

Considering the facts and circumstances of the case, I deem it fit and justified to direct the respondent to take decision on the representation of the petitioner dated 18th December 2007, annexure no. 7 to the writ petition, by a speaking order, within a period of one month from the date of production of a certified copy of this order.

With these directions, the writ petition is finally disposed of. No order as to costs.

(M.M. Ghildiyal, J.)

December 28, 2007:
NCM: